IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 874 of 2005 (S/S)

Ashok Kumar Gangwar
S/o Sri Devdatt Gangwar
R/o Village & post Kisroli Via Shamsabad
District Farukhabad U.P. ……. Petitioner

Versus

1. Joint Director of Education
   Garhwal Mandal Pauri
2. District Education Officer, Pauri
3. Principal, Government Inter College, Langsi
   Pauri Garhwal ……Respondents

Sri S.S. Yadav, learned counsel for the petitioner
Sri Harendra Belwal, learned Standing counsel for the State.

Hon'ble B.C. Kandpal, J.

By way of this writ petition a relief has been sought in the nature of mandamus directing the respondents to allow the petitioner to join the post of L.T. Grade Teacher in Government Inter College, Langasi, Chamoli. The petitioner has also sought a relief for issuing a direction in the nature of mandamus commanding the respondents to transfer the petitioner in plain area of Garhwal region on account of his ill health.

Brief facts of the case as emerged out from the record are that the petitioner was initially appointed on 08.10.1994 as Assistant Teacher L.T. Grade in Government Inter College, Langasi, Chamoli and he joined his service on 22.09.1995 and worked till 11.10.1999. Thereafter, the petitioner fell ill and took leave and went to his parental house at Farukhabad (U.P.) The Petitioner was not feeling well and he sent the information from time to time to the respondents. Ultimately, the petitioner informed to the respondents that he was not in a position to work in the hilly areas and sent his resignation letter but subsequently the petitioner informed that his resignation letter may not be forwarded as he was regaining his health.

The petition further reveals that the respondent No. 1 awarded adverse entry in the service book of the petitioner on the ground that he was not joining his duty. The petitioner thereafter sent representation on 03.03.2005 for considering his case sympathetically but the same has not been decided as yet. The petitioner, therefore, by way of this writ petition has prayed that the respondent be directed to permit the petitioner for giving his joining on the post of teacher L.T. Grade in Government Inter College Langsi, Chamoli.

Heard learned counsel for the petitioner and perused the record.

I do not find any ground, which requires any interference of this Court by way of the jurisdiction to be invoked under Article 226 of the Constitution of India.

The leaned counsel for the petitioner could not point out anywhere as to whether action initiated by he respondents is based on malafide. The petition, therefore, lacks merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed.

However, the respondents are directed to decide the representation dated 03.03.2005 of the petitioner expeditiously which he has annexed as annexure 12 to this writ petition.

(B.C. Kandpal, J.)

05.07.2005
ASWAL